

I certify that the attached is a true and
correct copy of H. J. R. 49, which
was filed of record on FEB. 10, 1981
and referred to the committee on:
Const. Amend.

FILED FEB 10 1981
By M. Bae

Betty Murray
Chief Clerk of the House
H. J. R. NO. 49

1 A JOINT RESOLUTION

2 providing for the inclusion of livestock and poultry with farm products as
3 exempt from taxation.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. That Article VIII, Section 19, Constitution of the State
6 of Texas, is amended to read as follows:

7 Section 19. Farm products, livestock and poultry in the hands of the
8 producer, and family supplies for home and farm use, are exempt from all taxation
9 until otherwise directed by a two-thirds vote of all the members elect to both
10 houses of the Legislature.

11 SECTION 2. This proposed constitutional amendment shall be submitted
12 to the voters at an election to be held on November 3, 1981. The ballot shall
13 be printed to provide for voting for or against the proposition: "The Consti-
14 tutional amendment to provide for the inclusion of livestock and poultry with
15 farm products as exempt from taxation."
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Fennell G. Gibbs
 Presnall Ganev
 S. Thompson
 Brookshire
 Rudd
 Buchanan
 G. Eistweidt
 Keese
 Lincoln
 Adhissom
 Burnett
 Kubiak
 Simpson
 Willer Shaw
 Sharp B. Gilman
 Reynolds
 Patterer
 H.J.R. No. 49
 Saunders Whaley

By M. Bee

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HOUSE COMMITTEE REPORT

F

1ST PRINTING

By McBee, et al.

H.J.R. No. 49

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15 for the inclusion of livestock and poultry with farm products as
16 exempt from taxation."

COMMITTEE REPORT

The Honorable Bill Clayton
Speaker of the House of Representatives

April 7, 1981
(date)

Sir:

We, your COMMITTEE ON CONSTITUTIONAL AMENDMENTS, to whom was referred HJR 49, have had the same under consideration and beg to report back with the recommendation that it (measure)

- (X) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no

An author's fiscal statement was requested. () yes (X) no

An actuarial analysis was requested. () yes (X) no

The Committee recommends that this measure be placed on the ~~Disseal~~ or ~~Consent~~ Calendar.


This measure () proposes new law.
(X) amends existing ~~law~~ CONSTITUTION
✓ proposes a constitutional amendment.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
McFarland, Ch.	✓			
Whaley, V.C.	✓			
Atkinson	✓			
Barrientos	✓			
Delco	✓			
Elizondo	✓			
Schoolcraft	✓			
Sharp	✓			
Ware	✓			

Total
9 aye
0 nay
0 present, not voting
0 absent


CHAIRMAN

COMMITTEE COORDINATOR

Analysis

Background Information

Article VIII, Section 19, of the Texas Constitution declares that farm products and family supplies are tax-exempt, with the stipulation that the Legislature may direct otherwise by a two-thirds vote of all members of both houses. The exemption referred to has historically been interpreted as relating to ad valorem property taxation, although the language of the provision embraces "all taxation".

Purpose and Synopsis

The purpose of this resolution is to amend Art. VIII, Sec. 19, of the Texas Constitution to include livestock and poultry within the exemption from taxation provided in that section for farm products and family supplies.

The resolution provides for submission of the proposed constitutional amendment to the voters at an election on November 3, 1981, and provides for the form of the ballot.

Rulemaking Authority

This resolution does not delegate rulemaking authority to a state officer, agency, department or institution.

Summary of Committee Action

Public notice was posted in accordance with Sec. 3.084, Rules of Procedure of the House of Representatives, and a public hearing was held on March 17, 1981.

The following individuals were recognized for testimony in support of HJR 49:

Bill Bounds, Assistant Director of State Affairs,
Texas Farm Bureau
Richard McDonald, Executive Director, Texas Cattle
Feeders Association

The chair then noted, for the record, the presence of the following additional supporters of HJR 49:

Lyle Hamner, Texas Federal Retirees, Texas Older
Citizens
Patrick Cox, Director of Communications, Texas
Farmers Union
Calvin Allison, Public Relations Director, Texas
Farmers and Ranchers Coalition
Ed Small, Attorney, Texas and Southwestern
Cattle Raisers Association
Bill Sims, Executive Secretary, Texas Sheep and
Goat Raisers Association
Charles Carter, Legislative Director, Independent
Cattlemens Association of Texas
Ken Horton, Executive Vice President, Texas
Pork Producers Association
Waldo Smith, Rancher/Businessman, State Association
of Soil and Water Conservation Districts
Bill Powers, Trade Association Executive, Texas
Poultry Federation

There were no witnesses in opposition to the resolution.

The resolution was referred to a subcommittee consisting of the following: Whaley, ch., Elizondo and Ware, members. On April 2, 1981, the resolution was reported back to the full committee. On April 7, 1981, the full committee voted to report HJR 49 to the House with the recommendation that it do pass by a record vote of nine (9) ayes and no (0) nays.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 16, 1981

Honorable Bob McFarland, Chairman
Committee on Constitutional Amendments
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 49
By: McBee

Sir:


In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Joint Resolution No. 49 (providing for the inclusion of livestock and poultry with farm products as exempt from taxation) to be as follows:

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication would be incurred. The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill, as introduced. The funding would cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it would be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

If the electorate approves the proposed constitutional amendment, no fiscal implication or additional cost to the State attributable to the bill, should it be enacted, is anticipated. The loss of revenue to many local taxing units would be minimal because poultry or livestock either do not exist within their jurisdictions or do not find a place on their tax rolls. However, the statewide total levy that may be lost attributable to the proposed amendment is estimated as follows:

<u>Calendar Year</u>	<u>School District Levy Lost</u>	<u>Other Jurisdictions Levy Lost</u>
1979 Base Year	\$ 4,485,760	\$ 1,401,370
1982	5,970,546	1,865,223
1983	6,567,601	2,051,745
1984	7,224,361	2,256,919
1985	7,946,797	2,482,611
1986	8,741,477	2,730,872

Similar annual revenue losses would continue as long as the provisions of the bill are in effect.


Thomas M. Keel
Director

HOUSE ENGROSSMENT

SPECIAL PRINTING

By McBee, et al.

H.J.R. No. 49

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COMMITTEE REPORT FORM

Austin, Texas

5/5/81

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred
HJR B. No. 49 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do pass and be printed.


Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

F

ENROLLED

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H.J.R. No. 49

President of the Senate

Speaker of the House

I certify that H.J.R. No. 49 was passed by the House on April 16, 1981, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 49 was passed by the Senate on May 14, 1981, by the following vote: Yeas 28, Nays 1.

Secretary of the Senate

RECEIVED:

Date

Secretary of State

HOUSE JOINT RESOLUTION

providing for the inclusion of livestock and poultry with farm products as exempt from taxation.

FEB 10 1981

1. Filed with the Chief Clerk.

FEB 11 1981

2. Read first time and referred to Committee on

Constitutional Amendments4-7-813. Reported favorably (~~as amended~~
(as substituted) and sent to Printer at APR 9 1981 8:20 am.APR 9 19814. Printed and distributed at 10:06 am.APR 9 19815. Sent to Committee on Calendars at 10:12 am.APR 16 19816. Read second time (~~amended~~) and (finally) passed to Third Reading by a Record Vote of 143 yeas, 0 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

APR 16 198111. Ordered Engrossed at 12:18 pmAPR 16 1981

12. Engrossed.

APR 16 198113. Returned to Chief Clerk at 2:43 pm.APR 21 1981

14. Sent to the Senate.

Betty Murray
Chief Clerk of the House

APR 21 1981

15. Received from the House

APR 22 198116. Read, referred to Committee on STATE AFFAIRSMAY 5 1981

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 14 198120. Regular order of business suspended by unanimous consent
(a viva voce vote.) _____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 14 198122. Read second time passed to third reading by:
(a viva voce vote.) _____ yeas, _____ nays.)

1981 APR -9 AM 10:03
HOUSE OF REPRESENTATIVES

MAY 14 1981

23. Caption ordered amended to conform to body of bill.

24. Senate and Constitutional 3-Day Rules suspended by vote of 28 yeas,
1 nays to place bill on third reading and final passage.

MAY 14 1981

25. Read third time and passed by

(~~to viva voce vote.~~)
(28 yeas, 1 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

May 14, 1981

26. Returned to the House.

MAY 14 1981

27. Received from the Senate (~~with amendments~~)
(~~as substituted.~~)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 14 1981

31. Ordered Enrolled at 4:49 pm